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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/818,717 03/14/97 WILSON

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EXAMINER

PM21/0924

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ART UNIT	PAPER NUMBER
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3616

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DATE MAILED:

09/24/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/818,717

Applicant(s)
DAVID E. WILSON

Examiner
VICTOR BATSON

Group Art Unit
3616



☒ Responsive to communication(s) filed on Jun 30, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-41 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1, 2, 14, 15, 27, 29, 30, 39, and 40 is/are rejected.

☒ Claim(s) 3-13, 16-26, 28, 31-38, and 41 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on Jun 30, 1998 is ☒ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 6

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,2,14,15,27,29,30,39,40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton (4,411,325).

Hamilton discloses a device comprising a frame and hopper, with a support joined to opposed sides of the frame and to spaced apart locations of the hopper (each corner of the structure 10, with weight sensing devices which sense a weight of seed grain in the hopper transferred through the support to the frame and provides a display 16 coupled to the output for displaying the sensed weight of the seed grain in the hopper. The examiner notes that in col 2 lines 54-61, Hamilton discloses that the support structure is a hopper that carries grain. Therefore, it would have been obvious to use the device of Hamilton with a grain drill since a grain drill is a device which includes a hopper attached to a frame that carries grain. Additionally, it is important in the planting art to determine how much grain is

in the hopper of a grain drill, and when the grain drill hopper is empty or near empty. The device of Hamilton would provide such desired information.

Concerning claims 27 & 40 the weight bearing support of Hamilton does not appear to extend in a direction along a width of the grain drill beyond a width of a portion of the frame as shown in the grain drill figure on page 3.

Concerning claims 29,30,39,40 the claimed method steps would be inherent in modifying a grain drill as disclosed by Hamilton.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made, to modify the device of Hamilton by using it with a grain drill since a grain drill is a device which inherently uses a frame mounted hopper, and Hamilton's device is designed to be used with frame mounted hoppers as taught by Hamilton. Additionally, it would have been obvious to a person of ordinary skill in the art at the time the invention was made, to modify the device of Hamilton by using it with a grain drill so that the operator can determine when the hopper is empty or near empty.

Allowable Subject Matter

3. Claims 3-7,9-11,13,16-20,22-24,26,27,31-38 are objected to as being dependent upon a rejected base claim, but would be

allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 8,12,21,25,28,41 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments with respect to claims 1,2,14,15,27,29,30,39,40 have been considered but are moot in view of the new ground(s) of rejection.

Response to Amendment

6. The Declaration filed on June 30, 1998 (paper #7) under 37 CFR 1.131 is sufficient to overcome the Von Muenster reference.

Information Disclosure Statement

The brochures provided in the IDS (paper #6) were not properly listed, but have been considered and included in the attached PTO-892.

Inquiries


7. Any inquiry concerning this communication should be directed to Examiner Victor Batson whose telephone number is (703) 305-6356. The examiner can be normally reached Monday through Friday (except Wednesday) from 7:00 am to 5:00 pm, Eastern Standard Time.

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Art Unit: 3616

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8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Will, can be reached on (703) 308-3870. The fax phone number for this Group is (703) 305-7687.

VB
September 21, 1998


VICTOR BATSON
PATENT EXAMINER
GROUP 3500
Au 3616